

Notice of Allowability

Application No.

10/600,797

Examiner

MICHAEL HICKS

Applicant(s)

BRILL, ERIC D.

Art Unit

2165

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/26/2012.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 1-40 and 42-43.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____.
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20120327.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/MICHAEL HICKS/
Primary Examiner, Art Unit 2165

DETAILED ACTION

1. Claims 1-40 and 42-43 Pending.

Claim 41 Canceled.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kayla Brant on 03/27/2012.

The Claims file 09/22/2008 and as appearing in the Appeal Brief filed on 8/17/2009 have been amended as follows:

- a) In Line 2 of Claim 1, after "comprising:" insert --a memory; a processor;--
- b) In Line 3 of Claim 1, after "a component" insert --, stored in the memory and executed by the processor,--
- c) In Line 5 of Claim 1, after "a component" insert --, stored in the memory and executed by the processor,--
- d) In Line 1 of Claim 13, after "comprising:" insert --a memory; a processor;--
- e) In Line 2 of Claim 13, after "a component" insert --, stored in the memory and executed by the processor,--

- f) In Line 7 of Claim 13, after "a component" insert --, stored in the memory and executed by the processor,--
- g) In Line 1 of Claim 16, after "The", delete 'method' and insert --system--
- h) In Line 1 of Claim 22, after "A" insert --computer-implemented--
- i) In Line 1 of Claim 29, after "A" insert --computer-implemented--
- j) In Line 1 of Claim 34, after "A" insert --computer-implemented--
- k) In Line 1 of Claim 42, after "storage", delete 'medium' and insert --device--
- l) In Line 4 of Claim 42, after "a component that" insert --, when executed by a processor,--
- m) In Line 10 of Claim 42, after "a component that" insert --, when executed by a processor,--
- n) In Line 2 of Claim 43, after "comprising:" insert --a memory; a processor;--
- o) In Line 3 of Claim 43, at the beginning of the line, delete 'means' and insert --a component, stored in the memory and executed by the processor,--
- p) In Line 9 of Claim 43, at the beginning of the line, delete 'means' and insert --a component, stored in the memory and executed by the processor,--

Response to the Decision by the BPAI

3. Examiner notes the Decision by the BPAI, dated 3/26/2012, responsive to the Appeal Brief filed 8/17/2009, in which the rejection of Claims 1-40 and 42-43 was reversed. After further review of the case several issues concerning USC 101 were identified in independent claims 1, 13, 22, 29, 34, 42, and 43, as well as a minor informality in Claim 16. The Examiners Amendment included herein is intended to address these issues.

Allowable Subject Matter

4. Claims 1-40 and 42-43 allowed.
5. The following is an examiner's statement of reasons for allowance:

Examiner notes that the Decision by the BPAI, dated 3/26/2012, indicated that the cited prior art failed to teach or suggest the limitation of a tuning component in which user selection of a query result from a ranked list causes the selected result to be added to a first set of data which is categorized as relevant to a user's context, and causes results not selected by the user but ranked higher than the selected result within the query result set to be automatically added to a second set of data which is categorized as non-relevant to the user's context. As further search of the prior art has failed to identify a reference which teaches or suggests this limitation in combination with all other intervening limitations, the claims are found to be allowable in view of the Board Decision.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Hicks whose telephone number is (571) 272-2670. The examiner can normally be reached on Monday - Friday 9:00a - 5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Neveen Abel-Jalil can be reached at (571)272-4074. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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